

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID VERSER,

Petitioner,

v.

Civil Action No. 3:11CV759

JAMES STEWARD, III, et al.,

Respondents.

MEMORANDUM OPINION

Petitioner, David Verser, a Virginia detainee proceeding pro se, submitted this petition for a writ of habeas corpus. In the United States District Court for the Eastern District of Virginia, all pro se petitions for writs of habeas corpora must be filed on a set of standardized forms. See E.D. Va. Loc. Civ. R. 83.4(A). Accordingly, by Memorandum Order entered on December 6, 2011, the Court mailed Verser the standardized form for filing a § 2254 petition. The Court directed Verser to complete and return the form to the Court within fifteen (15) days of the date of entry thereof. The Court warned Verser that the failure to complete and return the form in a timely manner would result in dismissal of the action. See Fed. R. Civ. P. 41(b).


More than fifteen (15) days have elapsed since the entry of the December 6, 2011 Memorandum Order and Verser has failed to complete and return to the Court the standardized form for

filing a 28 U.S.C. § 2254 petition. Accordingly, the action will be dismissed without prejudice.

An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability ("COA"). 28 U.S.C. § 2253(c)(1)(A). A COA will not issue unless a prisoner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" Slack v. McDaniel, 529 U.S. 473, 484 (2000) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)). No law or evidence suggests that Verser is entitled to further consideration in this matter. A certificate of appealability will therefore be denied.

The Clerk is directed to send a copy of the Memorandum Opinion to Verser.

An appropriate Order shall issue.

/s/ 

Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: 